

February 26, 1963.

Judiciary 1. *Pass 3/21*

Withdrawn 4/22

House File 361

By FISHER of Greene and FRAZIER.

Passed House, Date.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act to amend chapter four hundred eighty-nine (489), Code 1962, relating to electric transmission lines and the authority of boards of supervisors and the state commerce commission in relation thereto.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section four hundred eighty-nine point five
2 (489.5), Code 1962, is amended by inserting the following new
3 sentence after the word "proper." in line twenty-two (22):
4 "Before granting such franchise, the board or commission
5 shall make a finding that the proposed line or lines are
6 necessary to serve a public use."

1 Sec. 2. Section four hundred eighty-nine point fourteen
2 (489.14), Code 1962, is amended by striking from lines five
3 (5) and six (6) the words "may be necessary and as prescribed
4 and approved by the board or commission" and substituting in
5 lieu thereof the following: "the board or commission may find
6 to be necessary for public use."

EXPLANATION OF HOUSE FILE 361

The constitutional jurisdiction of the state commerce commission to authorize eminent domain for electric transmission lines has been questioned by the courts and this bill will clarify and establish such jurisdiction when such transmission lines will serve the public use.